

"Express Mail" mailing number.: ET475301795US  
Date of Deposit 10-29-01  
I hereby certify that this paper and all papers and fees referred to herein are  
being deposited with the United States Postal Service "Express Mail Post  
Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated  
above and is addressed to the Commissioner of Patents, Washington, D.C.  
Amy J. Martin

PATENT



*Amy J. Martin*  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lightfoot et al.

Confirmation No.: 9557

**Serial No.: 09/772,134**

Group Art Unit: Not Assigned

Filed: January 29, 2001

Docket No.: 1268/4/2

For: ISOLATED POLYNUCLEOTIDES AND POLYPEPTIDES RELATING TO LOCI  
UNDERLYING RESISTANCE TO SOYBEAN CYST NEMATODE AND SOYBEAN  
SUDDEN DEATH SYNDROME AND METHODS EMPLOYING SAME

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**RESPONSE TO NOTICE TO FILE MISSING  
PARTS - FILING DATE GRANTED**

Commissioner for Patents  
BOX MISSING PARTS  
Washington, D.C. 20231

Sir:

This is responsive to the "Notice to File Missing Parts of Application - Filing Date  
Granted" dated August 3, 2001, having a term that expired on October 3, 2001. A  
Petition for a 1-month Extension of Time up to and including November 3, 2001, together  
with a \$55.00 check for the requisite extension fee, is enclosed. Please find enclosed  
the following:

1. An original executed Declaration for the above-referenced U.S. Patent Application;
2. An original executed Assignment and related Recordation Form Cover Sheet for the above-referenced U.S. Patent Application;
3. Fourteen (14) sheets of formal drawings;
4. A Transmittal of Formal Drawings;
5. Substitute Sequence Listing in paper and computer readable form;
6. Statement that Sequence Listing and Computer Readable Copy are the Same; and
7. A check in the amount of \$309.00 (\$65.00 representing the Missing Parts surcharge fee for a small entity, \$40.00 representing the Assignment

recordation fee, \$149.00 representing the additional claim fees (\$9.00 for 61 claims over 20 and \$140.00 for the multiple dependent claim surcharge), and \$55.00 for the 1-month extension of time).

Applicants respectfully note that there are 17 independent claims in the application, namely claims 1, 2, 3, 7, 11, 27, 35, 38, 41, 44, 54, 57, 60, 63, 66, 69, and 71, and therefore there are only 14 claims over 3 and not 17 claims over 3 as indicated on the Notice to File Missing Parts. Thus, the fee noted on the Notice to File Missing Parts for 17 claims over 3 is not included in the enclosed check. However, if it is found that applicants are in error, the Commissioner is hereby authorized to charge \$126.00 for extra independent claims to the below noted Deposit Account No. 50-0426.

A copy of the Notice to File Missing Parts is being filed simultaneously.

Although a check is being submitted herewith, the Commissioner is hereby authorized to charge any deficiency or credit any overpayments in connection with the filing of this Response to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS & WILSON, P.A.

Date: 10/29/01

By:

Arles A. Taylor, Jr.  
Arles A. Taylor, Jr.  
Registration No. 39,395

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3100 Tower Boulevard  
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PATENT TRADEMARK OFFICE

1268/4/2 AAT/ajm

Enclosures

12-11-01

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SFCOR  
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JENKINS & WILSON, P.A.

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JULIE A. BROADUS, Ph.D. (PATENT AGENT)  
OF COUNSEL:  
JENNIFER L. SKORD



October 29, 2001

"Express Mail" mailing number.: ET475301795US

Date of Deposit 10-29-01

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner of Patent and Trademarks, Washington, D.C.

Amy J. Martin

Commissioner for Patents  
BOX MISSING PARTS  
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/772,134 for ISOLATED POLYNUCLEOTIDES AND POLYPEPTIDES RELATING TO LOCI UNDERLYING RESISTANCE TO SOYBEAN CYST NEMATODE AND SOYBEAN SUDDEN DEATH SYNDROME AND METHODS EMPLOYING SAME  
Our File No. 1268/4/2

Sir:

Enclosed please find the following:

1. A Response to the Notice to File Missing Parts (2 pages)
2. An executed Declaration (2 pages);
3. A copy of the Notice to File Missing Parts along with a copy of the CRF Error Report;
4. An executed Assignment (3 pages);
5. Recordation Form Cover Sheet (Form PTO-1595);
6. Fourteen (14) sheets of formal drawings;
7. A Transmittal of Formal Drawings;
8. A substitute Sequence Listing in paper and computer readable form;

9. A Statement that Sequence Listing and Computer Readable Copy are the Same;
10. Petition for 1-month extension of time (Form PTO/SB/22);
11. A check in the amount of \$309.00; and
12. A return-receipt postcard to be returned to our offices with the U.S. Patent and Trademark filing stamp thereon.

Please contact our offices if there are any questions with this matter.

Although a check is being submitted, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment associated with the filing of this correspondence to Deposit Account Number 50-0426.

Respectfully submitted,

JENKINS & WILSON, P.A.



Arles A. Taylor, Jr.  
Registration No. 39,395  
Customer No. Bar Code Label:



25297

PATENT TRADEMARK OFFICE

AAT/ajm

Enclosures

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/772,134	01/29/2001	David A. Lightfoot	1268/4/2

25297  
JENKINS & WILSON, PA  
3100 TOWER BLVD  
SUITE 1400  
DURHAM, NC 27707



CONFIRMATION NO. 9557

## FORMALITIES LETTER



\*OC000000006380362\*

Date Mailed: 08/03/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

12/14/2001 BABRAH1 00000058 09772134

FILED UNDER 37 CFR 1.53(b)

01 FC:205 65.00 OP  
02 FC:204 140.00 OP  
03 FC:203 9.00 OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Total additional claim fee(s) for this application is \$264. 12/14/2001 BABRAH1 00000061 500426 09772134
  - \$9 for 61 total claims over 20. 01 FC:202 126.00 CH
  - \$120 for 17 independent claims over 3.
  - \$135 for multiple dependent claim surcharge.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 329. Adjustment date: 01/04/2002 YGIZAW  
12/14/2001 BABRAH1 00000061 500426 09772134  
01 FC:202 126.00 CR

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8,

2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

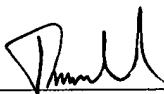
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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Commissioner for Patents  
Washington, D. C. 20231  
Attention: Official Draftsman

TRANSMITTAL OF FORMAL DRAWINGS

Dear Sir:

Please find enclosed a new set of formal drawings (14 sheets) for filing in the above-identified U.S. Patent Application.

Although it is believed that no fee is due, the Commissioner is hereby authorized to charge any deficiencies of payment associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS & WILSON, P.A.

Date: 10/29/01

By:

*Arles A. Taylor, Jr.*  
Arles A. Taylor, Jr.  
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Customer No. Bar Code Label:



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